

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

SHAIRIQ SEABROOKS,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 1:11-0078
)	JUDGE TRAUGER/KNOWLES
)	
)	
C.C.A. - MEDICAL DEPT.,)	
TENNESSEE DEPARTMENT OF)	
CORRECTIONS, and CORRECTIONS)	
CORPORATION of AMERICA,)	
)	
Defendants.)	

SHAIRIQ SEABROOKS,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 1:11-0079
)	JUDGE TRAUGER/KNOWLES
)	
)	
HERBERT LAYAS, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Prior to the consolidation of these two cases, the pro se prisoner Plaintiff filed a document in each case requesting a “Partial Dismissal” of Defendants. Docket Nos. 33, 36. Plaintiff seeks a dismissal of the Tennessee Department of Correction (“TDOC”) in both cases, and acknowledges that it “is not liable for the deliberate indifference with all other defendants


are liable of.” *Id.*

Under Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff does not have the right to dismiss this action without a Court Order because Defendant TDOC has previously filed Answers in both cases. Docket Nos. 24, 27.

Defendant TDOC has not filed a Response to either request.

For the foregoing reasons, the undersigned recommends that Plaintiff’s claims against TDOC in these consolidated cases be dismissed, pursuant to Fed. R. Civ. P. 41(a)(2).

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh’g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.


E. Clifton Knowles
United States Magistrate Judge